

**UNITED STATES PATENT AND TRADEMARK OFFICE**

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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MAILED**JUL 10 2007****PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Applicants: Zook et al.
Application No.: 10/644,389
Filed: 08/19/03
For: Sealants and potting formulations
including mercapto-terminated polymers
produced by the reaction of a polythiol
and polyvinyl ether monomer

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,555.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Michael P. Tierney
MICHAEL P. TIERNEY
Administrative Patent Judge

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Filed: July 10, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JONATHAN D. **ZOOK**, DAVID W. JORDAN, DEAN M. WILLARD,
GEORGE JONES, AND MICHAEL COSMAN,
Junior Party ("PBT")
(U.S. Patents 6,525,168 and 6,723,827),

v.

JONATHAN D. **ZOOK**, SUSAN E. DEMOSS,
DAVID W. JORDAN AND CHANDRA B. RAO
Senior Party ("PRC")
(U.S. Application 10/644,389).
Patent Interference No. 105,555 (MPT)
(Technology Center 1700)

MAILED

JUL 10 2007

DECLARATION - Bd.R. 203(b)¹

PAT. & T.M. OFFICE
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AND INTERFERENCES

- 1 Part A. Declaration of interference
- 2 An interference is declared (35 U.S.C. § 135(a)) between the above-
- 3 identified parties. Details of the application(s), patent (if any), reissue application

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

(if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m.** on **August 28, 2007** (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

1 Part E. Identification and order of the parties

2 Junior Party ("PBT")

3 Named inventors: JONATHAN D. ZOOK, SANTA CLARITA, CA

4 DAVID W. JORDAN, NORTHRIDGE, CA

5 DEAN M. WILLARD, NEW YORK, NY

6 GEORGE JONES, TUSTIN, CA

7 MICHAEL COSMAN, IRVINE, CA

8 Involved Patents: U.S. Patent 6,525,168, issued February 25, 2003,
9 based upon U.S. Application 09/802,427, filed
10 March 9, 2001

11
12 U.S. Patent 6,723,827, issued April 20, 2004, based
13 upon U.S. Application 10/368,135, filed February
14 20, 2003.

15
16 Title: Chemically Resistant Polythioethers and Formation
17 Thereof

18
19 Assignee: PBT Brands, Inc.

Senior Party (“PRC”)

Named Inventors: JONATHAN D. ZOOK, SANTA CLARITA, CA

SUSAN E. DEMOSS, VAN NUYS, CA

DAVID W. JORDAN, NORTHRIDGE, CA

CHANDRA B. RAO, VALENCIA, CA

Involved Application: U.S. Application 10/644,389, filed August 19, 2003

Title: SEALANTS AND POTTING FORMULATIONS INCLUDING MERCAPTO-TERMINATED POLYMERS PRODUCED BY THE REACTION OF A POLYTHIOL AND POLYVINYL ETHER MONOMER

Assignee: PRC-DE-SOTO International Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 Part F. Count and claims of the parties

2 Count 1

3 Claim 6 of U.S. Patent 6,525,168.

4

5 The claims of the parties are:

6 Zook (PRC) U.S. App. 10/644,389: 22-27, 31-36 and 41-43

7 Zook (PBT) U.S. Pat. 6,525,168: 1-13

8 Zook (PBT) U.S. Pat. 6,723,827: 1-12

9 The claims of the parties which correspond to Count 1 are:

10 Zook (PRC) U.S. App. 10/644,389: 22-27, 31-36 and 41-43

11 Zook (PBT) U.S. Pat. 6,525,168: 1-13

12 Zook (PBT) U.S. Pat. 6,723,827: 1-12

13 The claims of the parties which do not correspond to Count 1, and therefore

14 are not involved in the interference, are:

15 Zook (PRC) U.S. App. 10/644,389: None

16 Zook (PBT) U.S. Pat. 6,525,168: None

17 Zook (PBT) U.S. Pat. 6,723,827: None

1 The parties are accorded the following benefit for Count 1:

2 Zook (PRC):

- 3 i) U.S. Application 10/302,177, filed November 21, 2002,
4 ii) U.S. Application 09/756,573, filed January 8, 2001,
5 issued on January 21, 2003 as U.S. Patent 6,509,418, ;
6 iii) U.S. Application 08/928,972, filed September 12, 1997,
7 issued on January 9, 2001 as U.S. Patent 6,172,179;
8 iv) U.S. Application 08/802,130, filed February 19, 1997,
9 issued on June 15, 1999 as U.S. Patent 5,912,319.

10
11 Zook (PBT)

- 12 i) U.S. Provisional Application 60/188,106, filed March 9,
13 2000.

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference,
3 see SO ¶ 106.1.1:

4 UNITED STATES PATENT AND TRADEMARK OFFICE
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6

7
8 BEFORE THE BOARD OF PATENT APPEALS
9 AND INTERFERENCES
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11

12 JONATHAN D. **ZOOK**, DAVID W. JORDAN, DEAN M. WILLARD,
13 GEORGE JONES, AND MICHAEL COSMAN,
14 Junior Party ("PBT")
15 (U.S. Patents 6,525,168 and 6,723,827),
16
17

18 v.

19 JONATHAN D. **ZOOK**, SUSAN E. DEMOSS,
20 DAVID W. JORDAN AND CHANDRA B. RAO
21 Senior Party ("PRC")
22 (U.S. Application 10/644,389).
23 Patent Interference No. 105,555 (MPT)
24 (Technology Center 1700)
25
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28 Part H. Order form for requesting file copies

29 When requesting copies of files, use of SO Form 4 will greatly expedite
30 processing of the request. Please attach a copy of Parts E and F of this
31 DECLARATION with a hand-drawn circle around the patents and applications for
32 which a copy of a file wrapper is requested.
33

/Michael P. Tierney/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patents 6,525,168 and 6,723,827
Copy of claims of 10/644,389

Revised 3 January 2006

cc (via overnight delivery):

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